Remarks:

Reconsideration of the application, as amended herein, is respectfully requested.

Claims 14, 16 – 19 and 21 - 27 are presently pending in the application. Claims 14, 16 - 18 and 22 -23 have been amended. Claims 1 - 13 were previously canceled. Claims 15 and 20 have been canceled, herein. New claims 24 - 27 have been added.

In item 2 of the above-identified Office Action, claims 14 - 15 were rejected under 35 U.S.C. § 102(b) as allegedly being H. Schulzrinne, "Request for comments: 2833", May 2000 ("**SCHULZRINNE**").

In item 4 of the Office Action, claims 16 - 23 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over **SCHULZRINNE** in view of V. Bharatia, "SIP INFO Method for event reporting", April 2000 ("**BHARATIA**").

Applicants respectfully traverse the above rejections, as applied to the amended claims.

More particularly, claim 14 recites, among other limitations:

> **providing a speech dialogue system without special hardware devices for the support of in-band signaling;**

...

> in the case that for the transmission via the packet network a codec with out-of-band signaling or signaling according to RFC 2833 supported by both packet network terminals cannot be determined, **a speech dialogue system supporting in-band signaling is specified as a packet network terminal instead of the speech dialogue system without special hardware for the support of in-band signaling**, and a coding method with in-band signaling is determined for the transmission of the signaling information. [emphasis added by Applicants]

As such, Applicants' claim 14 requires, among other limitations, **a speech dialogue system without special hardware for the support of in-band signaling, but configured to specify a speech dialogue system supporting in-band signaling in a case where a codec with out-of band signaling or signaling according to RFC 2833 supported by both packet network terminals cannot be determined.**

The subject matter of amended claim 14 is **not** taught or suggested by the **SCHULZERINNE** or **BHARATIA** references, cited in the Office Action.

More particularly, the **SCHULZERINNE** reference describes how DTMF signaling, tone signaling, and telephone events can be transmitted via RTP packets. According to the presented use cases the tone detection and generation is performed **in a gateway to the PSTN or it is not performed in a directly**

Internet connected end system. In **SCHULZERINNE**, an Internet IVR system is given as an example of one such system that does not perform its own audio waveform analysis i.e., DTMF processing. See, for example, paragraph 4 on page 4 **SCHULZERINNE.**

Among other limitations, **SCHULZERINNE** does **not** teach or suggest a packet based voice dialogue system that additionally supports **in-band signaling**, as required by Applicants' claimed invention. Consequently, **SCHULZERINNE** cannot possibly be said to teach or suggest an alternative assignment of such a system. Thus, **SCHULZERINNE** does **not** teach or suggest, among other limitations of Applicants' claims, the limitation of claim 14 stating:

> in the case that for the transmission via the packet network a codec with out-of-band signaling or signaling according to RFC 2833 supported by both packet network terminals cannot be determined, **a speech dialogue system supporting in-band signaling is specified** as a packet network terminal instead of the speech dialogue system without special hardware for the support of in-band signaling, **and a coding method with in-band signaling is determined for the transmission of the signaling information**. [emphasis added by Applicants]

The foregoing limitation of present claim 14 was previously presented as part of claim 20, now canceled. With respect to previously presented claim 20, the Office Action points to

page 2 of **SCHULZERINNE**, first paragraph. Applicants respectfully disagree.

The first paragraph of page 2 of the **SCHULZERINNE** reference merely that "an Internet end system such as an 'Internet phone' can emulate DTMF functionality without concerning itself with generating precise tone pairs and without imposing the burden of tone recognition on the receiver". However, the cited portion of **SCHULZERINNE** does **not** teach or suggest the above-discussed limitation of Applicants' amended claim 14, among other limitations of Applicants' claims.

Thus, the limitations of Applicants' present claim 14 are not taught or suggested by the **SCHULZERINNE** reference.

In contrast, the **SCHULZERINNE** reference actually teaches a person skilled in this art **away** from the subject matter of claim 14, since the IVR system discussed in **SCHULZERINNE** is specified as being without its own tone detection and generation capabilities. Thus, a person of ordinary skill in this art would **not** derive the subject matter of claim 14 from the **SCHULZERINNE** reference.

The **BHARATIA** reference, cited in the Office Action in combination with the **SCHULZERINNE** reference against certain of

Applicants' claims, does not cure the above-discussed deficiencies of the **SCHULZERINNE** reference. More particularly, the **BHARATIA** reference relates to the use of a SIP INFO method for communication of midcall events that, in particular, can be used for DTMF signaling between a media gateway controller (MGC) and a SIP application. The functionality provided in **BHARATIA** allows migration of enhanced service platforms (ESPs) in the SIP based network. According to **BHARATIA**, mid-call events including DTMF are detected by gateways and are transported by means of the SIP INFO method. Consequently an ESP of **BHARATIA** does not perform its own DTMF treatment.

The **BHARATIA** reference does **not** teach or suggest, among other limitations of Applicants' claims, a packet based, in-band signaling supporting voice dialogue system or any such processing platform. Thus **BHARATIA** provides no evidence for the possibility of an alternative assignment of such a system.

Thus, among other limitations of Applicants' claims, **BHARATIA** does **not** teach or suggest, among other limitations of Applicants' claims, the limitation of claim 14 stating:

> in the case that for the transmission via the packet network a codec with out-of-band signaling or signaling according to RFC 2833 supported by both packet network terminals cannot be determined, **a speech dialogue system supporting in-band signaling is**

> **specified** as a packet network terminal instead of the speech dialogue system without special hardware for the support of in-band signaling, **and a coding method with in-band signaling is determined for the transmission of the signaling information**. [emphasis added by Applicants]

In fact, a person of ordinary skill in the art would be taught away from the subject matter of Applicants' claim 14, as the ESP system discussed in **BHARATIA** is determined without its own tone detection and generation capabilities.

Neither **SCHULZERINNE**, nor **BHARATIA**, provide any evidence for the above-discussed limitations of Applicants' claim 14, among other limitations. Thus, the invention of Applicants' claim 14 would not be obvious over a combination of **SCHULZERINNE** and **BHARATIA**.

Similarly, the subject matter of Applicants' amended claim 16 is not rendered obvious by the combination of the **SCHULZERINNE** and **BHARATIA** references alleged in the Office Action.

Applicants' amended claim 16 recites, among other limitations:

> providing a speech dialogue system **without special hardware for the support of in-band signaling;**
>
> …
>
> **in the case that the first packet network terminal does not permit out-of-band signaling for codecs supported by both packet network terminals, a speech dialogue system supporting in-band signaling is**

> **specified a**s a packet network terminal instead of the speech dialogue system without special hardware for the support of in-band signaling, **and a coding method with in-band signaling is determined for the transmission of the signaling information**. [emphasis added by Applicants]

As such, Applicants' claim 16 requires, among other things, **in the case where the first packet network terminal does not permit out-of-band signaling for codecs supported by both packet network terminals, a speech dialogue system supporting in-band signaling is specified as a packet network terminal instead of the speech dialogue system without special hardware for the support of in-band signaling, and a coding method with in-band signaling is determined for the transmission of the signaling information**. The foregoing limitations of Applicants' claim 16 are neither taught, nor suggested, by the combination of the **SCHULZERINNE** and **BHARATIA** references.

More particularly, in **SCHULZERINNE**, there is no evidence for a packet based voice dialogue system that additionally supports **in-band** signaling. Consequently, **SCHULZERINNE** cannot possibly be said to teach or suggest an alternative assignment of such a system. Thus, among other limitations of Applicants' claims, **SCHULZERINNE** does **not** teach or suggest in the case where the first packet network terminal does not permit out-of-band signaling for codecs supported by both packet network terminals, a speech dialogue system supporting in-band

signaling is specified as a packet network terminal instead of the speech dialogue system without special hardware for the support of in-band signaling, and a coding method with in-band signaling is determined for the transmission of the signaling information, as required by Applicants' claim 16.

In fact, as discussed hereinabove in connection with claim 14, the **SCHULZERINNE** reference actually teaches guides away from Applicants' particularly claimed subject matter by disclosing an Internet IVR system **without** its own tone detection and generation capabilities. See, for example, page 4 of **SCHULZERINNE**, paragraph 4.

The **BHARATIA** reference also **fails** to teach or suggest, among other limitations of Applicants' claims, a packet based voice dialogue system supporting in-band signaling or such a processing platform. Thus, the **BHARATIA** reference does not cure the above-discussed deficiencies of the **SCHULZERINNE** reference with regard to claim 16. In fact, by disclosing that the ESP system of **BHARATIA** does **not** include its own tone detection and generation capabilities, **BHARATIA** actually teaches away from Applicants' invention of claim 16.

As such, the subject matter of Applicants' amended claim 16 is not rendered obvious by the combination of the **SCHULZERINNE** and **BHARATIA** references.

Further, Applicants' independent claim 22 has been amended to recite, among other limitations:

> a speech dialogue system without hardware devices for the support of in-band signaling;
>
> a speech dialogue system with special hardware for the support of in-band signaling; and
>
> **a control device adapted for the selection of one of the two speech dialogue systems for a speech dialogue service or an information output service dependent on the codecs offered at the service requirement.**
> [emphasis added by Applicants]

The subject matter of Applicants' amended claim 22 is additionally not obvious in view of the combination of the **SCHULZERINNE** and **BHARATIA** references.

More particularly, neither of the **SCHULZERINNE** or **BHARATIA** references teach or suggest, among other limitations of Applicants' claims, **providing a speech dialogue system with special hardware for the support of in-band signaling, and a control device adapted for the selection of one of the two speech dialogue systems for a speech dialogue service or an information output service dependent on the codecs offered at the service requirement**, as required by Applicants' claim 22.

For the foregoing reasons, among others, Applicants' claims are believed to be patentable over the combination of the **SCHULZERINNE** and **BHARATIA** references.

It is accordingly believed that none of the references, whether taken alone or in any combination, teach or suggest the features of claims 14, 16 and 22. Claims 14, 16 and 22 are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claims 14, 16 or 22.

In view of the foregoing, reconsideration and allowance of claims 14, 16 - 19 and 21 - 27 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

Please charge any fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Stemer LLP, No. 12-1099.

Respectfully submitted,

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